

What Sirica Said To Buzhardt

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THE UNFOLDING OF the Watergate epic has had its share of drama. But few incidents surpass Thanksgiving Eve when White House lawyers first told U.S. District Judge John J. Sirica that 18½ minutes of key tape had been erased.

Details of the 55-minute scene were disclosed when Sirica unsealed a transcript of the proceeding, but were overrun by news of his conclusion that the erased tape matter should go to a Federal Grand jury.

Here are excerpts from the log of the Thanksgiving Eve session: J. Fred Buzhardt (then President Nixon's chief Watergate lawyer): "Judge, we have a problem . . . We have discovered and discussed this with the prosecutors this morning, one of the tapes, the intelligence is not available for approximately 18 minutes . . ."

Sirica: "What conversation continued at 18 minutes?"

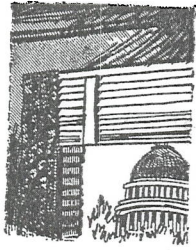
Buzhardt: "Between the President and Mr. (H. R.) Haldeman."

Sirica: "Then there is a lapse?"

Buzhardt: "Yes. Then the circumstance is even a little worse than that, your honor."

Sirica: "I don't know it could get much worse."

Assistant to the President Leonard Garment: "Just wait."



BUZHARDT, AFTER EXPLAINING that Haldeman's notes on the erased conversation had been obtained, said they show the missing portion dealt with Watergate. Backed by Garment, he pleaded with Sirica to hold off a public announcement of the "extremely serious matter" for a few days . . .

Jaworski: ". . . There is a situation that involves possibly not only the obstruction of justice, but also contempt of court. I am not so certain that the matter should not be disclosed immediately . . ."

Sirica: "I am in accord with Mr. Jaworski. I always find it better to bring these things out as fast as you can bring them out and any explanation that can be made can be made later on . . . Tomorrow is Thanksgiving Day. Why can't we do it this afternoon, say at 4 o'clock?"

Buzhardt: (after saying his problem was how to disclose the erasure) "I don't know how it was done . . . I would like a little bit to write this out. In fact, I would like to take a while to write this out because I want to be very careful what I say here."

SIRICA: "When is the first time you discovered this last thing that happened?"

Buzhardt: "Judge, we discovered the thing was there last Wednesday night (November 14) . . ."

Sirica: "You see, already a week has gone by . . . I think we ought to go ahead at 4:00 o'clock and disclose this thing, myself. That is going to be the ruling of the court."

Jaworski: ". . . If you do it (disclose immediately) solely from your standpoint you would be much better off."

Buzhardt: "Right, but I also have to consult my client. And it is hard to get my client on the phone, your honor, on short notice. That makes it extremely difficult."